

TECHNOLOGICAL GENIUS, FREEDOM—AND THE AMERICAN PATENT SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, I would like to commend my colleague, who has just presented a heartfelt case for scientific and health-related research by the National Institutes of Health. I concur with him that this is a very important part of what we do here. We have budgets that we have to meet, but this should be a significant part of our budget.

I would like to also note, as I did when he yielded to me, that, yes, the government needs to play a significant part—the National Institutes of Health—in trying to find cures and in trying to find ways of improving the health of the American people. It is not just up to the National Institutes of Health, and it is not just up to the government employees. My approach, which I will be talking about tonight, is something vital—that the private sector needs to be involved not only in this type of health innovation, but in all sorts of innovation and technological jumps forward that some people think only government can do; but, in fact, it is the private sector and, especially, the small, independent inventors who have played such a significant role in furthering human progress, in uplifting humankind.

□ 2015

So while I agree with the government role especially in these health-related issues, I think that we should dedicate ourselves to making sure that private money is going into this.

In my area, yes, the University of California at Irvine is doing exemplary work. Yes, but so are many private companies that have invested money in health care technology development. Some of them, I might add, have been taxed to death by a 2.5 percent tax on their gross simply for being the inventors of health-related technologies.

This type of medical device tax, which makes the manufacturers of devices the most heavily taxed people in this country, is a deterrent to having people in the private sector investing in exactly what my colleague was trying to suggest—into new approaches to these various diseases. That is also true not only of medical technology but of technologies across the board that really impact on the well-being and on the standard of living of ordinary people throughout our country.

I rise today to draw attention, my colleagues, to a legislative threat to the safety and well-being of the American people. We dodged a bullet in the last session of Congress on this very same issue.

Alerted by our aggressive yet unsuccessful attempt to stop that effort—

that rancorous legislation in the House, which passed by a large majority last time around—we raised such a ruckus that the Senate was inundated with a wide spectrum of opposition to this supposed reform that had passed the House. There was so much opposition, in fact, that the Senate simply refused to bring up the bill for consideration.

What is the issue that is being rammed through the House right now and, once we exposed it the last time around, caused the Senate to turn back and to not let it go through? Well, there has been an ongoing fight here in Washington—one most of the public is totally unaware of, and worse than that, most of my colleagues are totally unaware of—that for the last 20 years there has been a classic case of crony capitalism that plagues our country at play here on a specific issue.

The big guys—the big crony capitalists—are trying to diminish the rights of the little guy in order to make more money. Surprise, surprise. And in this case, it will basically undermine America's prosperity and security in the long run while hurting the little guys while the big guys get their way.

I am certainly not opposed to the profit motive, but first and foremost we need to ensure that powerful forces don't change the economic rules in order to enrich themselves unjustly.

Unseen by most Americans has been the attempt by mega-multinational corporations to undermine and yes, destroy a constitutional right of our citizens, this in order to fill their pockets at the expense of American citizens who don't have the means to defeat such a power play.

I am referring to an attack on the fundamental constitutional right of Americans to own what they have created. This right, written into our law at the Constitutional Convention itself, which wrote our Constitution, is now under attack. It is a clandestine legal maneuver that would neuter our inventors' protections and permit powerful multinational corporations to steal what now rightfully belongs to American inventors, and thus, ordinary Americans will be hurt, and of course, the big corporations will benefit.

It is not just dispossessing individual inventors; this is a power grab that will undermine the prosperity we all have enjoyed as Americans. The less than forthright attack on our patent system will undermine the economic well-being of our working people who depend on the United States for being technologically superior to the working people of other societies. People in all these societies work very hard. It is not hard work—it is hard work coupled with technology—and we have ensured through the patent system that we would be developing the technology that would give Americans the edge.

Our Founding Fathers believed that technology, freedom, and yes, the profit motive was the formula that would uplift humankind. As I say, they wrote

into our Constitution a guarantee of the property rights of inventors and authors. It is the only place in the body of our Constitution that the word "right" is actually used.

The Bill of Rights was added after the body of the Constitution, but in article I, section 8, clause 8 of our Constitution, it states:

The Congress shall have power to . . . promote the progress and science of useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

This provision has served America well. It has led to a general prosperity where we have technological advances that uplift our own people and give our own people the chance to outcompete those people who work their hearts out overseas but don't have the same technological support system in their economic endeavors.

Well, this provision in America has led to prosperity. It has helped our national security. The fact is, we could never dream of trying to defeat the enemies of freedom throughout the world on a man-to-man basis. It is only our ability to be able to bring technology and our genius to play that has given us a leverage over countries that have tens of millions of people and, by the way, don't really value human life.

We need to make sure we are technologically superior, and it has been our patent system that has given our inventors the chance to invent things that will protect all of us from aggression and prevent anti-democratic forces throughout the world—fanatic forces—from overwhelming us and overwhelming our defenses.

Of course, this having been the country of new ideas, the country where we encouraged people to be innovative, we have uplifted the life of average people. Average people here are now able to live decent lives as compared to the average people in so many countries of the world.

Yes, Americans work hard and, as I say, so do other people. It is the technology that makes the difference. Our technology has multiplied the results of the hard work of our people. That is the secret of America's success. Technology and freedom and our strong patent system is right there at the foundation of that principle. It is what has made the difference in this vital area to our security and our well-being.

Yet today, we have these multinational corporations—the same ones who run overseas to do business with communist China and with America's enemies and people who treat their populations with total disregard—yes, these multinational corporations want to diminish the patent protection of the American people because they don't want to pay Americans for their creative new technologies. They don't want to give them their share when they create something that will uplift our people.

Over the years, we fought and turned back many efforts to weaken our patent system. I doubt whether half the

new Members of this Congress are fully aware of the aggressive and brutal fights that we have been in over patents and the patent system over these last 20 years.

A little over 20 years ago, they were saying we need to change the patent system in order to harmonize it with the rest of the world. Our patent system was out of sync with the rest of the world. Well, of course. Our constitutional rights are out of sync with the rest of the world. We are out of sync as we protect people's right to go to church and not be repressed by some other religion. We are out of sync with most of the world when we protect people's right to speak and to criticize their government or to assemble or to try to join unions or other activities in the economic area.

No, we actually are out of sync with a lot of areas, but they decided to say we need to harmonize our law on patents with the rest of the world, which has weak patent systems. Their laws have been determined by, basically, what is going to help the big guy and what is going to get new ideas out into the hands of the big industrialists.

Well, we have beat back major efforts. The first ones, as I say, were on harmonizing the law. They had two big issues. One was to harmonize our law with the rest of the world.

Our system has been that when someone submits their patent, no matter how long it takes for that patent to get issued, it is secret. In fact, it is a felony, I believe, for someone at the Patent and Trademark Office to disclose a patent application. And then, when you get your patent, it is published to the world, but you are granted 17 years of ownership.

Well, their goal was what? Their goal was to do it the European and Japanese way, which is—aha—after 18 months of applying for your patent, it is published. If you don't have it, or even if it takes another 5, 10 years to get it, it is published.

I called it the Steal American Technologies Act. We managed to turn that one around.

The other half of that particular onslaught was that we have now a guaranteed protection, as I said, in the Constitution, as I just read. For a specific period of time, we were granted a 17-year patent protection. That starts at the time when you are issued your patent.

Well, overseas that is not what it is all about. We are out of sync with them because what happens is, the minute that you file, the clock starts ticking, and 20 years later you have no patent protection at all, but that is from filing. It may take you 10 or 15 years to get your patent.

So they are dramatically reducing the ownership rights of the patent of a person who has applied for a patent, all to the benefit, of course, of these big guys who are saying, We can speed this up maybe with our contacts. And the little guys overseas over and over

again get beaten up and their material stolen from them by these powerful forces. We don't want that to happen here. We protect the rights of the little guy here.

We won those fights that I was just talking about by standing tall and tough on the issue. And yes, there were some compromises over the years where we beat those first two issues that I talked about, we won that case, but over the years there have been several other hard-fought patent battles where we compromised and were able to come up with something that was acceptable to both sides.

Well, now, after a few years of preparing the political battleground in Washington, and now, after Google has provided more campaign contributions than any other corporation in the world on various issues and we have other big corporations providing big campaign contributions—and I am not saying they are buying votes, but what they are buying is attention; and people don't even know about the issue—but now, Google has been able to explain their case. They don't hear the other side.

That is why it is up to us to make sure every Member of Congress knows what the issue is when it comes to the patent fight, instead of walking down to the floor unaware of how significant this is.

There is only one group of people that is going to be able to make sure their Congressman is focused on just how significant this issue is. The American people have to notify their Congressmen in order to let them know we should not be weakening our patent system.

There is no excuse to undermine the independent inventor when he is trying to protect his rights to a patent. We won't have independent inventors, and we won't be on the cutting edge of change, as we have been.

After a few years of preparing, as I say, a new onslaught has been prepared.

Now, as I say, they claimed in the beginning that they wanted to harmonize our system, but, of course, we don't want to harmonize and make our system weaker in order to be the same with other countries.

So that fight went back over 20 years, but now what they have laid the groundwork for and are bringing up is—in the last 3 years we have seen this fight for the second round. Three-and-a-half years ago, the House passed the America Invents Act, which fundamentally diminished our patent system, weakening its protection for ordinary citizens.

□ 2030

It still, even with that weakening, was better than what you had in Europe and in Japan. The negative impacts of that legislation are just now being felt. They are just now moving through the patent system and being implemented by the Patent Office.

We are going to find out what happens when you undermine the little guys in order to help the big guys because you don't—after a few more years, where is the innovation coming from?

From the big, multinational corporate bureaucracies, from the government bureaucracy? No. When we have undermined the small inventor, the individual inventor, we have taken the profit motive out of this. We have put roadblocks in the way of America moving forward.

The next wave began in this patent battle just a little more than a year ago. Last year, as I said, the onslaught aimed at neutering the rights of the small inventor was barely turned back, and that bill came forward, and we got it through. Actually, it passed the House with a substantial margin.

When citizens and universities and small businesses across America understood because of the great debate that we had here what was at stake, they inundated their Senators with calls and visits, and their message was: Don't undermine our rights. Don't undermine the rights of the small inventor. Don't undermine this constitutional right. It is just as precious as the rights of speech and press and religion. Let's not undermine that in the name of helping some multinational corporation squash an opposition to a guy who has invented something and wants to get his rightful payment for the work that he has done.

Of course, the power brokers don't claim that they must change the measure of legal protection that we offer inventors because they don't claim that it is because the inventors are bad and need to be deprived of longstanding rights or that the Constitution is just outmoded and we don't really want to follow it. They don't argue that.

No, these powerful interests, mega-multinational corporations, well heeled here in Washington, these powerful interests have to have a bogeyman to try to draw away attention from what they are really trying to do.

The issue won't become diminishing the rights of the small inventor, preventing the small inventor from enforcing his patents on people who are trying to steal it, who are big mega-multinational corporations.

No, they don't say that. There is always an excuse, something that has to sound very sinister, a sinister force at play, trying to hurt these innocent businessmen—unfairly at that.

We heard it before. About 15 years ago, we heard it was submarine patents. That was the real derogatory term, submarine patents. That was why we need to change the amount of time that someone is able to actually have, as a guarantee for their patent rights.

The submarine patent was used to say: Oh, so what if after 20 years and you haven't had your patent for 15 years, so you have only got 5 years of protection, so what?

It is the submarine patenters we are really trying to get at—forget the hardship on those little guys, which is the vast majority of people who want to get their patent as soon as possible—but the submarine patenters, meaning we have got to really restrict those little guys.

Well, now, the big guys have come up with another sinister label. That was a fraud. The submarine patent issue was a fraud, and we fixed it very easily, with a very small compromise, without having to have all the rights of the little guy eliminated, simply by saying if the little guy is—it can be shown that he prevented the issuance of his patent, trying to elongate that, well then that clock will start ticking during that time period and that time will be taken away from him.

If it is not him, if it is the bureaucracy that is holding off the actual issuance of the patent, we shouldn't be doing things that hurt the little guy who is trying to get his patent out.

Well, so we got that covered, but now, the big guys have come up with another sinister label because submarine patent doesn't apply anymore. We found a way to solve it without hurting the little guy.

Now, the big guys have come up with this other label which is aimed at confusing the public about who gets hurt and who benefits from the so-called reforms that are now being shoved through Congress. They are insisting that the need for patent change, basic changes in our patent system, is because of the so-called patent trolls. Over and over again, you will hear this sinister word.

Now, let me tell you how cynical this is. There is a guy who was a top executive at one of the electronic companies who is now on my side, on our side, the side of the little guy on this issue, but he was very high up in a big company. They got together with their people to decide what tactic they should use to get the changes done and passed through Congress.

They knew they couldn't just attack the small inventor. They knew they couldn't attack the innovators in our society. What are they going to do to diminish their patent rights?

Well, we have got to make it sound like it is somebody else who is going to get hurt, and that person has to be evil. The patent troll is what they came up with.

This gentleman who worked in the business said he was in a room when that term was formalized by a number of people in the industry. They went around in a circle and said: What is the worst and nastiest sounding term we can come up with in order to vilify that, to draw people's attention away from this issue?

He told me he had suggested patent pirate; and, no, patent troll sound really much more sinister. That is how cynical these people are. It is arrogant, and it is cynical because the patent troll is a creation.

Yeah, there are some people who misuse our system. There are frivolous lawsuits that happen in our country. You know what, it is not just in the patent issue. It is all across the board. There are lawyers that have frivolous lawsuits.

They are trying to claim that patent trolls are people with patents that are not legal patents, and they are trying to threaten lawsuits so they will get paid off. Well, that is happening throughout our system. They are called frivolous lawsuits.

There is no need to hurt our small inventors and to phase back their rights, as inventors, the rights of their ownership and the rights to enforce their patent, in order to get someone a lawyer who is engaged in a frivolous lawsuit.

These patent trolls are patent holders. Remember, when you hear the patent troll, just think: someone who owns a patent. Unless it is the inventor himself, they say the patent troll is anyone who owns a patent who is not the inventor. Patent holders or companies who represent patent holders are also people who own patents who get in infringement cases, but these are people who did not invent it themselves, and, thus, they are called trolls.

They are engaged in basically defending their rights against the infringement of large companies. Yeah, there are a few cases where small guys, we are told—that, again, is a front, to try to protect the big guys from the little guys, but there has been infringement on the patents that they own, these regular people, people who own—and patents are what? It is your property, intellectual property.

Patents should be looked at that the United States Government believes it is your right to own, for a given period of time, as I just read in the Constitution, your invention or your writing, and you own it.

If someone is infringing and if you want to buy it from someone, someone who has invented it but can't afford to basically enforce it, well, you have a right to do that. That doesn't make you an evil troll. That means you have bought something that is a piece of property.

By the way, after a number of years—10, 13, 14 years—that will no longer be your property because the patent protection lasts only a given period of time. Well, these owners are just as valid as any other patents that are granted by the Patent Office. We are not talking about phony patents.

They will try to make it sound like it is, Oh, these worthless pieces of paper. No, these are real patents and real pieces of paper that show you have rights to own this particular technology.

Huge corporate infringers would have us believe that these patents that they are talking about, that the people are trying to enforce, that these big companies have used, knowing that there is probably someone who owns that who

has developed this new technology and just forgetting about them and leaving them behind, well, these big corporate infringers would have you believe that all these people are that way. They are not.

Almost all of the infringement cases happen by people who legitimately own a legitimate patent, and if not, it should be decided in court. There is nothing wrong with bringing this to court if it is a legitimate patent or if it is an illegitimate patent.

This happens all the time. Are you violating someone's property rights when they own a piece of property and you have built a road across them without asking whether or not you could use their property? No, that should go to court.

In fact, it is not a frivolous lawsuit for someone who owns a piece of property and someone who maybe owns a mine or something over here and just builds a road across and doesn't ask you about it. No, you have a right for compensation.

That is basically what we are talking about except, in this case, you have an inventor who has enriched a big company with something new, but the big company doesn't want to give him any of his royalties for building this new technology.

By the way, in the past, big corporations would try to do patent searches to make sure they weren't stepping on the little guy, and they would try to cut deals with these patent owners to try to make sure that they didn't face a lawsuit. They would be able to chart out exactly what their expenses were.

Then they decided, Don't do it, don't even look, don't check to see if we are stealing this new idea. You know why? They did that because what you have now—and what they have tried to eliminate is that if a big company intentionally knows that it is violating the patent rights of someone who owns that new technology and infringes upon it, that it knowingly does this, there are triple damages that the inventor can get in his lawsuit against that big company.

The big companies, they say, Oh, well, so we won't even look, so they can't prove that we knew we were stepping on these little people. They don't even look anymore. That is how arrogant they are. Then they worry when a small guy comes up and sues them for infringement?

By the way, why did they want to eliminate the triple damages? Because the little guys, regular people, don't have the money to pay for the lawyers necessary for these lawsuits. The little guy's ability to hire a lawyer on a contingency basis—if you take away the triple damages, you have eliminated the right of almost all of the small inventors to be able to have the protection they need in court, but that was one of their major goals.

By the way, we turned that one back, thank God, but it keeps going. They

keep going because this is a way to enrich these powerful, multinational corporations in a way that the public isn't seeing it. It is just a change in the rules; and the little guys, the wealth that should be going to them is extracted and put into the pockets of these big corporate entities.

They have the power, basically, and they are going to use it. They have the power in the economy, and they have the power in getting their case across to the Members of Congress because they have the ability to hire lobbyists again and to give campaign contributions, but not to buy votes, and I am not suggesting that.

When you are here and you have so much time, if you have lobbyists that are working just to get the attention of the Member of Congress on the issue for a short period of time, you have succeeded. These companies can do it, and the little guy can't. The little guy has no way of getting people's attention here.

The fact is that these big corporations—and especially Google—have hired the best representatives in town and spent the most money getting people's attention.

The only answer here is to make sure we offset that by making sure the American people call their Member of Congress and tell them: Don't diminish the patent protection for regular Americans, don't let this happen.

They have won the last couple of fights. Again, like I say, by the time it got over to the Senate, some people just started paying attention, but we lost it here in the House.

Well, the patents that we are talking about are patents; they are not frivolous lawsuits. These are patents that were issued by the United States Patent Office, but huge infringers would have us believe: Of course, don't worry, the Congress is just up there trying to protect people who really haven't come up with anything and just have frivolous lawsuits.

No, we are talking about tangible, tangible items that these people have used without paying the royalty to the man or woman who invented that particular item, that particular technology.

What makes these patents different than the good patents, by the way? These same large corporations own thousands of patents—by the way, most of these corporations are the megaelectronics industry companies, so they own lots of patents.

What makes the little guy a patent troll for being willing to try to get some help to fight these big guys? What makes that little guy's patent or the "troll's" patent any less real and any less valuable and official as these big companies?

□ 2045

They have their patents, too. If the small inventor doesn't have the resources to enforce his or her patent in the limited time—they only have

owned this now. Remember, once you own a patent, you own it for 17 years, and then it is done; everybody owns it.

In the limited time they are granted for ownership, if they don't have the resources to basically enforce their rights, an individual or company can buy their rights and can create—or they can create a partnership with a small inventor, and they can see to it that way to see that there isn't a theft of this little guy's property, and they call it an infringement. There is nothing wrong with someone coming in and saying: Well, listen. If you can't enforce this, we think it is a good idea, you have 10 more years of patent protection. We will buy that patent right, just like buying a parcel of land. We are going to speculate that that land is going to go up in value or whatever. There is no difference at all. It is a piece of property. It is a property right. It is intellectual property.

This effort to change our patent law is an attack on the very nature of intellectual property.

Okay. So the small inventor can't do it. What is wrong with somebody coming in and offering to buy that patent right from him for those 10 years or to go into partnership with him?

Well, I have consulted with a number of outside individual inventors and groups, and they have reaffirmed that the legislation now being proposed disadvantages the little guy against deep-pocketed multinational corporations. This has been achieved in the guise, as I say, of targeting patent trolls.

You are not vilifying this poor little inventor, this guy who works his heart out in his garage, quits his job because he has got an idea, puts all of his money and sells his home in order to build something new, a new technology. No, I am sorry. That guy is a hero. And under the guise of getting patent trolls, whatever that is, they are going to smash this little guy that I just described because they are going to prevent anybody from helping him because that person who is helping him is a patent troll. This person and company who has contracted with the inventor to see that his or her rights are respected, I consider them to be a positive economic and also a moral force within the concept of determining ownership in our society.

How horrible, making a business—which some of these companies have done—of helping a business out of helping small inventors see to it that their patent rights are enforced. Oh, how horrible. Or how horrible it is for them to be buying patent rights from them. Oh, my goodness, a guy with money says: You can't afford to enforce your rights; I think it is a great idea; I will pay you for this. The fact that that happens and is able to happen in our society means that that little guy now has something of value.

If we take that away and say: Oh, these people buying them are all trolls—sounds sinister—oh, when you do that, the value of our patents for all

of our inventors goes down. We are undercutting the wealth that is available to our independent inventors because we are devaluing what they have if they can't enforce it themselves, they can't sell it to somebody who is not going to commercialize it, thus you have got a situation where the patent value, we are taking wealth out of the pockets of the least able people in our society in the technology arena, the least able to weather that, and we are putting that money and that power into the pockets of the big mega-multinational, not just American companies, multinational companies. It is sinful.

The proponents of this legislation are covering the fact that someone has stolen someone else's patent rights, someone else's intellectual property, and now they want to change the system so they can get away with this theft. That is what it is all about. The big companies have been stealing. They want to get away with it. They need to change the rules of the game so they can get away with it, and the little guy will just give up because he can't go through all the steps now.

They would have us believe that all the lawsuits against these companies are frivolous. As I say, that is not the case. Well, the vast majority of them are not. The vast majority of patent infringement cases have very legitimate areas of concern, and they need to be decided by the court, not to have Congress step in and make it more difficult for someone to take someone to court who has stolen his intellectual property. Yes, there are frivolous lawsuits throughout our system. Why are these guys just focusing on patents? They are doing that because that is what these megacorporations will benefit from.

Tonight I draw the attention of the American people to H.R. 9, the Innovation Act, introduced by Chairman GOODLATTE with 19 bipartisan cosponsors. The last Congress, the House Committee on the Judiciary held a hearing on this same bill. The same bill that came in last time, this bill that is being proposed now, H.R. 9, is exactly the same bill, except maybe with one provision that is taken out, which is a provision that I was able to get out of the bill on the floor in the debate and in the amendment process.

By the way, that provision was going to prevent inventors, if they believed they were treated unfairly by the Patent Office, that provision would deny them the right to take it to court. They would have to settle the issue with an ombudsman from the Patent Office. Get that? The right to use court of a U.S. citizen was going to be denied them, and the proponents of this legislation just let it drip off their back like water off a duck's back. Give me a break. That is a huge violation of rights of Americans, but it is just as huge a violation for us to try to diminish their ability to enforce the rights of their own property.

So I draw attention to H.R. 9. Last Congress the House Committee on the

Judiciary held a hearing on this almost very same bill. The witnesses at that hearing, including former Patent Office Director Kappos, made it clear that we should move slowly and with great care in making any changes to the patent law, especially in light of the fact that no one yet understands the implication of a similar patent law that was passed 2 years ago, the America Invents Act.

The process from that act is just now being implemented. I think it is going to have a very negative impact, and we need to know that that is what is going to happen, and we need to work that into our calculus of whether we should pass even more restrictions like are in that first bill.

So everybody says: Take it easy; go slow; make sure you are right before you go ahead. Well, we haven't even digested the last bite Congress has taken out of the patent law. We haven't even digested that at all, and now they want us to gobble down a few more apples. We need to make sure that we know what we have already gotten ourselves into by biting into this apple, but, no, we have got to now commit to having even more and more change before we even know whether that apple is going to turn sour in our stomach and cause us to be sick.

In and of itself, this legislation is too broad, H.R. 9, the same thing they tried to pass through here last year, rammed it through, too broad, its implications too unclear, its effects unknowable. That is what witnesses and other experts have indicated. The conclusion, as I say, is move forward with these fundamental changes in our patent system, and if you do so, you might be undermining that system.

We need not to move forward quickly on this, see what the impact of the past law changes are. That is what now has been indicated, but that is not what has happened. That is not what we have seen happen here on Capitol Hill. The House was railroaded into passing this new proposal on top of the previous legislation before we have a chance to see whether it is going to have a negative or positive effect, and it is not even being fully implemented yet. But yet we were pushed. This thing was rammed down our throats. It seems like some multinational corporations really wanted action now: Do it now.

Well, what is going on here? This congressional ramrodding exemplifies the battle to diminish America's patent system that has been going on for 25 years. This isn't something new. What I am describing to you is just one more hit, one more attempt by people to harmonize American law with the rest of the world.

We need to be more like the rest of the world. We have a strong protection of intellectual property rights. Oh, we should be more like the rest of the world—baloney. The fact is America should stand tall. If we want harmony with the rest of the world, they should harmonize with our stronger protec-

tion for the individual, for our caring for ordinary people.

This law and these changes are going to change the way we do business in America, all right. We are not going to have the creative and the cutting edge as these very same mega-multinational corporations go to countries like China in order to get cheap labor to accomplish their mission rather than using the technology of Americans, giving them the royalty for it, at least, in order to make sure our country and our countrymen are safe, our countrymen are secure and our well-being of our people economically, they have good jobs producing competitive products that they can sell overseas. No. No. These companies, they just want that power for themselves. They want to harmonize with the rest of the world so they can run roughshod over all of us.

According to the sponsors of H.R. 9, it is an attempt to combat the problem of patent trolls. That is it. You look at their arguments, it is all patent trolls, patent trolls, patent trolls, even though the study mandated by Congress shows that this much-heralded problem is not a major driver of lawsuits. It has not caused, as they claim, a surge of new lawsuits. In fact, the most recent data shows that patent lawsuits dropped dramatically in 2014 compared to previous years.

The provisions of this legislation are designed to make it much more complicated. Now, this is what it is. This legislation, H.R. 9, is designed to make it much more complicated, costly, and challenging to bring a lawsuit for patent infringement, thus hurting the little guy, the infringement that is taking place. That means the victim is the little guy. We are helping the big guy, the guy who is committing the crime.

By the way, if these people wanted to impact frivolous lawsuits, if they say, "Oh, there are too many frivolous lawsuits with patents," they should just make it simpler and cheaper to defend against baseless infringement cases. Somebody that is accused of infringement and it is baseless, let's make it easier for these companies to defend themselves against that charge in court.

But, no, no, making it more easy to defend themselves, no, no, no. We are being asked to raise the bar for the inventor to bring lawsuits to defend his or her rights rather than lowering the bar to allow small businesses and others to defend themselves against frivolous lawsuits. When we weaken the little guy—that is what we are doing. They want us to weaken the little guy to protect the big guy from frivolous lawsuits.

Well, who gets hurt and who is helped? You have a sinister cover-up there, the trolls, and who is getting helped by that? These big megacorporations. And who is getting hurt? The little guys who can't go through all these extra steps; they can't afford to protect themselves. And we are going to side with the big guys,

the big guys again who take their work to China without blushing? This legislation, H.R. 9, is consistent with the decades-long war being waged on America's and against America's independent inventors.

Here are a few provisions of this Innovation Act we have just submitted:

It would create new requirements for a patent holder, when a patent holder must, once filing a claim for infringement, provide information about all the parties who are involved with this; and, thus, you basically have the accused infringer is going to know everybody who is involved and, thus, be able to basically attack all of the people, not just the guy who has lost his intellectual property rights, but somebody who backed him up now will become a target of big corporations. This means the elimination of privacy for major business dealings.

The little guy no longer has that right of privacy. The little guy is totally exposed, as his friends and suppliers will be. The patent holder will be forced to provide a list of potential bank accounts to raid, and those bank accounts and all of that information will be made available to the bad guys, the people who are infringing. The big companies who are beating him down will now have all this information to use against him.

In addition, once the requirement has been invoked, the patent holder must maintain a current record of the information on file at the Patent Office or forfeit the rights.

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What that means is the patent holder now has huge new bureaucratic reporting requirements, dramatically increasing his cost and vulnerability.

Now, you do that to a small investor or a small inventor, what does that say? You are increasing their costs dramatically. And why are we increasing their requirements for bureaucratic reporting? Because they have actually reported an infringement of their intellectual rights; thus, they have got to pay the price; they have got to have the burden on them. We are going to put the burden on them for saying, Somebody just stole my property. We are increasing the burden on them.

If they do that, from then on, they have a whole new obligation, a bureaucratic obligation.

In addition, the patent holder gains a new bureaucratic fee—not just a bureaucratic requirement but a fee—and is forced to pay record keeping fees to maintain the current record at the Patent Office.

More fees, more bureaucratic requirements. These are minor inconveniences to multinational corporations, these corporations with hundreds, if not thousands of employees. It is not going to cost them anything. In fact, when they go to court, they have a whole stable of attorneys, so it won't cost them much money there either.

So for these multinational corporations, this isn't even an inconvenience.

But for the little guy, all of these new requirements are killers because they don't have \$100,000 that they can just drop into keeping better books over here or getting a hold of all of these people or exposing anybody who has invested in their patent.

The Innovation Act also enables large multinational corporations to create nested shell companies which have few assets but can infringe on patents while the inventor is unable to sue their customers, who are free to continue infringing. So they say: Well, we will just do all of our business with this technology, through that company, so if we get sued, they can't get at us—no way. While the first court case moves through the system, we are going to shield these big guys who are stealing.

This process could keep an infringing process in place for a decade or more while the inventor is trying to find ways to stop that infringement.

The Innovation Act authorizes the Patent Office director to create a patent troll database—how about that—and to create a strategy to teach small business how to defend themselves against patent trolls.

We are encouraging the director of the Patent Office to create an enemies list and a strategy guide for people who are infringing on other people's patent rights. That is what we are talking about.

They are trying to basically vilify a group of people who are involved in a perfectly legal and moral economic activity, helping out small business guys, buying small patent owners' rights to their patents. If they can't enforce it themselves, they are going into partnership with them.

No, no. Now we are going to have a list of these people who are going to be on an enemy's list mandated by the Patent Office, according to this legislation.

So we are encouraging this enemies list strategy. Instead of just, okay, if there is a frivolous lawsuit, let's just make it easier for someone to defend themselves in court.

The ultimate results of this legislation will be:

Increased patent infringement. Have you got that? This legislation, H.R. 9, will increase the amount of theft in our society because now we have made it easier.

Reduced legal remedies. We have basically reduced the legal remedies for the victim, for those who have been infringed.

We have reduced the investment in small business. Why are people going to invest in a new patent if they think it can be infringed upon, and this guy isn't going to get his money back? So we have dramatically hurt the amount of money that is going to be invested in the new technology, in the brilliant ideas that come from our students from university. You know, they come out and they have great ideas. We want them to go into small business and fol-

low their dream. Oh, no, no. This would make it almost impossible for people like that. Our young people and small businessmen, people with a dream.

Irreparable damage will be done to our research universities, to our inventors and entrepreneurs. All of these people are going to be hurt.

Let me put it this way: our colleges and universities, they know that if this bill passes—the one that was going through the Senate passed—there would be a dramatic reduction in the value of all the patents that they own, and that is a major, major asset to our universities.

Each part of this so-called reform is detrimental to the patent owners, especially damaging to individual small inventors. Every provision bolsters the patent thieves, the infringers, at the expense of the legal owners.

No, no. Let's not talk about that. Let's talk about patent trolls, how evil they are. "Troll" is a bad word. You don't want to be on the side of the trolls.

No, no. Everything they are proposing in the name of stopping the trolls, using that as cover, hurts the little guy and helps these big guys who are financing this campaign to undermine our patent system.

This approach assists thieves because they are powerful corporations versus little guys. The only hope for the little guy has always been that America stands for the God-given rights and that those rights are protected by our government, recognized and protected by it, as it was in the Constitution.

To all people, rich and poor, their rights are protected in this country, and we should not be about to let big corporate interests step on the little guy.

If a guy owns a piece of property and a big corporation wants to build a road across it, to build a whatever it is on the other side—an oil derrick or whatever it is—they have to pay that man's price because he owns that property. And in this case, we are talking only about an ownership for 17 years, granted to somebody who has actually come up with something that is of great value to our people.

No. We need to make sure that we remain the country where we protect everybody's rights and that the big guys can't get away with stepping on the little guys.

The rights of ownership are the same as all of our other rights: speech, religion, assembly. And this has been what we are seeing now in H.R. 9—the last couple of years have been a blatant power grab by the big guys to diminish the rights of the little guy.

When the bill identical to this one was previously submitted, opposition emerged to it, as people figured out what I am telling you. What I am saying tonight—finally some people, when they heard the debate over here, they mobilized. And when they found out what was about to be foisted upon them, we were speaking with loud voices.

Here is a list of some of those people who opposed or expressed major concerns over that act, a bill that was identical to H.R. 9, which is now perched and ready to be shoved through Congress:

The Association of American Universities; American Council on Education; Association of American Medical Colleges; Association of Public and Land-grant Universities; Association of University Technology Managers; Council on Governmental Relations; Eagle Forum; Club for Growth; American Bar Association; Patent Office Professional Association; Judicial Conference Committee on Rules of Practice and Procedure; American Intellectual Property Law Association; Intellectual Property Owners Association; National Association of Patent Practitioners; National Venture Capital Association; the Biotechnology Industry Organization; Pharmaceutical Research and Manufacturers of America, PhRMA; Innovation Alliance; Coalition for 21st Century Patent Reform; Institute of Electrical and Electronics Engineers.

Let's just note, all of these groups were opposed or were very concerned about that act because:

It creates more paperwork for everybody, increasing the cost for anybody who wants to defend their rights.

It forces patent holders who file claims of infringement to maintain new bureaucratic reporting requirements and to pay new recordkeeping costs. It just complicates their lives and their expenses.

It eliminates the independent judicial review of patent applicants by striking section 145 of title 35. This is very important in order to keep the Patent Office honest. There should be an independent judicial review. That is what they tried to foist off on us last time.

And it dramatically increases the financial risks for anybody filing an infringement lawsuit.

We need to make sure that our country stays true to the American people, to what will give us security for our people. We need to be on the cutting edge of technology. We need to be ahead of our potential enemies. We can't defend our country man for man. We have got to have the best equipment and the high technology that comes from the creative thinking of our people. We need to make sure that our working people are producing more wealth with every hour of work they do; thus, we can afford to provide the services and the standard of living for ordinary people.

Every time there is a new idea, if we actually permit that to be stolen by multinational corporations, that is not going to improve the well-being of our people.

We have seen this going on in the past. This is not the first time. This is just in the last 25 years of onslaught. And what we have now in H.R. 9 is just the latest salvo in the effort to destroy the patent system that we have got.

But this happened a long time ago. We have had to reaffirm the rights of the little guy over and again.

There is a statue in our Congress, in our Capitol, of Philo Farnsworth. Do you know who Philo Farnsworth was? Philo Farnsworth was the inventor of the picture tube for the television.

Philo was a farmer and an engineer in Utah, a man with not many resources at all. But he figured out something that RCA, one of the biggest corporations in the country at the time, was trying to find out: How do you create a picture tube?

Well, he wrote them and said, I found the secret. And what do you know, they sent their top engineer over. Philo actually showed them what he had done. And they said, We are going to get back to you, and we are going to work with you as your partner. You know what they did? He could never get a hold of them again.

David Sarnoff, one of the richest, most powerful men in the United States, set out to steal the right to the patent for the picture tube from this lone American, this guy who had a small farm in Utah. And he led—Philo Farnsworth didn't give up. He led a struggle for 20 years to get his rights to own that technology, that intellectual property.

And when he was fighting this huge corporate interest that was trying to just squish him like a bug, he stood up there, and he couldn't have stood alone. People invested in his lawsuit. People invested with him so that justice would come and that inventors in the United States would know that when they invent something, they have a right, and the American people will stick by them.

In the end, the Supreme Court made the decision, and they decided with the little guy. They decided with Philo. What a great affirmation of our country. And there is a statute today of Farnsworth in the Capitol, the man who advanced communications in our country. You will never find a statue to David Sarnoff or any of these big moguls who tried to squish him, these multinational corporations.

Let's remember the heart of America, patriotism. Let's be loyal to our regular people. They will be loyal to us. That is what the American Revolution was all about.

I ask my colleagues to join me in opposing H.R. 9. And I invite people to talk about it and to talk to their Congressmen and their Senators and to make sure that they don't come in here for a vote not knowing how important this vote is on H.R. 9.

With that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARTWRIGHT (at the request of Ms. PELOSI) for today and the balance of the week on account of death in the family.

Mr. RUIZ (at the request of Ms. PELOSI) for today and the balance of the week on account of death in the family.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 203. An act to direct the Secretary of Veterans Affairs to provide for the conduct of annual evaluations of mental health care and suicide prevention programs of the Department of Veterans Affairs, to require a pilot program on loan repayment for psychiatrists who agree to serve in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

ADJOURNMENT

Mr. ROHRBACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 13 minutes p.m.), under its previous order and pursuant to House Resolution 99, the House adjourned until tomorrow, Wednesday, February 11, 2015, at 10 a.m., for morning-hour debate, as a further mark of respect to the memory of the late Honorable ALAN NUNNELEE.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

373. A letter from the Management Analyst, Forest Service, ORMS, D and R, Department of Agriculture, transmitting the Department's final rule — Forest Land Enhancement Program (FLEP) (RIN: 0596-AD21) received January 27, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

374. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Commuted Traveltime; Correction [Docket No.: APHIS-2004-0108] received February 3, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

375. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Brucellosis Class Free States and Certified Brucellosis-Free Herds; Revisions to Testing and Certification Requirements [Docket No.: APHIS-2009-0083] (RIN: 0579-AD22) received February 3, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

376. A letter from the Management and Program Analyst, Forest Service, ORMS, D and R, Department of Agriculture, transmitting the Department's final rule — Use By Over-Snow Vehicles (Travel Management Rule) (RIN: 0596-AD17) received February 3, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

377. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting the OMB Sequestration Preview Report to the President and Congress for Fiscal Year 2016, pursuant to the Balanced Budget and Emergency Deficit

Control Act of 1985 (BBEDCA), as amended; to the Committee on Appropriations.

378. A communication from the President of the United States, transmitting the sequestration order for Fiscal Year 2016, pursuant to 2 U.S.C. 901a; to the Committee on Appropriations.

379. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting authorization for Brigadier General Jacqueline D. Van Ovost, United States Air Force, to wear the insignia of the grade of major general, pursuant to 10 U.S.C. 777; to the Committee on Armed Services.

380. A letter from the Assistant Secretary, Homeland Defense and Global Security, Department of Defense, transmitting the Department's report on assistance provided for sporting events during calendar year 2014, pursuant to 10 U.S.C. 2564(e); to the Committee on Armed Services.

381. A letter from the Secretary, Department of Transportation, transmitting the annual report to Congress of the Maritime Administration (MARAD) for Fiscal Year 2013, pursuant to Public Law 91-469, section 208; to the Committee on Armed Services.

382. A communication from the President of the United States, transmitting the National Security Strategy of the United States, pursuant to 50 U.S.C. 3043; to the Committee on Armed Services.

383. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Removal of Naloxegol from Control [Docket No.: DEA-400] received January 28, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

384. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final order — Schedules of Controlled Substances: Temporary Placement of Three Synthetic Cannabinoids into Schedule I [Docket No.: DEA-402] received January 30, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

385. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting the Corporation's Fiscal Year 2016 Congressional Budget Justification; to the Committee on Oversight and Government Reform.

386. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

387. A letter from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

388. A letter from the Director, Office of Personnel Management, transmitting the Office's semiannual report of the Inspector General and the Management Response for the period April 1, 2014, through September 30, 2014, pursuant to Public Law 95-452, section 5; to the Committee on Oversight and Government Reform.

389. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery [Docket No.: 130705590-5010-03] (RIN: 0648-BD45) received February 5, 2015, pursuant to 5 U.S.C.